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APPLICATION NO. 09/369,090	FILING DATE 08/05/99	FIRST NAMED INVENTOR TINO	ATTORNEY DOCKET NO. A 5004-3747
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MMC1/0612

EXAMINER BUDD, M
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ART UNIT 2834	PAPER NUMBER
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DATE MAILED: 06/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

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NEW YORK NY 10004DATE MAILED:  
2834

06/12/00

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

## OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-9 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 8 and 9 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Takagi (360).

Claim 2 rejected under 35 U.S.C. 102(a) as being anticipated by Kutsuma, Hirano or Mukohjima. Note #106, #107 of Hirano, #6 and #7 of Mukohjima and #3, #4 of Katsuma.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (360). Takagi taught the claimed ultrasonic motor structure except the support #30 is not an integral part of the substrate #50. However, making parts integral or separable has long been held to be within the skill expected of the routineer. Thus, to make the suport and substrate from a simple piece would have been obvious to one of ordinary skill in the art.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa, Kastsuma or Hirano in view of Wada, Kumasaka (179) or Kumasaka (909). Miyazawa, Katsuma

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and Hirano teach the ultrasonic motor mounted on a printed circuit board but don't explicitly teach that drive circuit elements are provided on the board. However, Wada and Kumasaka teach it is well known to place the drive circuit for a piezoelectric device on the same circuit board that supports the device to save space and make solid state manufacturing and connections more easy. Thus for at least these reasons it would have been obvious to one of ordinary skill in the art that the printed circuit boards of Miyazawa, Katsuma or Huano could be expanded to include drive circuit elements.

Further cited of interest is Takagi (827).

  
MARK O. BUDD  
PRIMARY EXAMINER  
ART UNIT 212

Budd/dc  
June 8, 2000